

LICENSING COMMITTEE

3 JULY 2014

Minutes of the meeting of the Licensing Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Thursday, 3 July 2014

PRESENT: Councillor Tony Sharps (Chairman)

Councillors: Glyn Banks, Paul Cunningham, Rosetta Dolphin, Jim Falshaw and Hilary McGuill

APOLOGIES: Councillors: David Cox, Brian Dunn, Robin Guest, Brian Lloyd and Mike Reece

IN ATTENDANCE:

Solicitor, Community Protection Manager and Committee Officer

1. APPOINTMENT OF VICE-CHAIR

Nominations were sought for a Vice-Chair of the Committee. The Chairman's proposal for Councillor David Cox was duly seconded and supported by the Committee. No further nominations were received.

RESOLVED:

That Councillor David Cox be appointed Vice-Chairman of the Licensing Committee.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

3. MINUTES

The minutes of the meeting of the Committee held on 15 May 2014 were submitted.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

4. THE FUTURE OF TAXI LEGISLATION

The Community Protection Manager introduced the report to advise Members of the proposals put forward by the Law Commission in respect of its review of taxi licensing legislation.

In detailing the background to the report, the Community Protection Manager explained the different operating requirements of Hackney carriages and private hire vehicles, of which there were currently six and 318 respectively in Flintshire. Whilst the new legislation retained the emphasis on driver and vehicle safety and the term 'private hire vehicle', it recommended that the term

'Hackney carriage' be replaced with 'taxi'. Other proposed changes were outlined in the report, including the adoption of national licence conditions to achieve some consistency across Wales and England.

In response to queries from Councillor Hilary McGuill, the Community Protection Manager said that there should be no private hire vehicles in Flintshire indicating the word 'taxi', with the exception of an operator in Mold who had previously been granted dispensation to do so. He went on to explain that bookings for private hire vehicles should be made via their respective offices or by telephone.

Councillor Paul Cunningham commented that many people would be unaware of the differences between private hire operators and Hackney carriages. In response to a query on non-licensed private hire vehicles touting for business, it was acknowledged that the Licensing Authority generally relied on intelligence from the public and other licensed private hire operators, however this was not a major problem in Flintshire and some prosecutions had been made.

Following comments from Councillor Rosetta Dolphin on the low number of Hackney carriages currently operating in Flintshire, it was felt that this may be due to the lack of a public focal point such as a county hospital. The Community Protection Manager said that another factor may have been the requirement in Flintshire that, under the Disability Discrimination Act 1995, such vehicles offered full disabled access as opposed to other areas where ordinary saloon cars could be licensed as Hackney carriages.

The Community Protection Manager responded to a number of queries from Councillor Glyn Banks. It was explained that the Private Hire Operators' Forum had been consulted on the proposals which had also been made available to the public via a press release and on the website. On the proposed change to allow vehicles with up to 16 passengers to be licensed in particular circumstances, it was hoped that the guidelines would provide further clarification.

RESOLVED:

- (a) That the proposed changes in respect of taxi and private hire legislation be noted;
- (b) That further reports are prepared for the Licensing Committee as the Government's intentions in respect of the Law Commission Review become clearer, and secondary legislation, guidance and the new national standards are published; and
- (c) That, following its review of taxi licensing legislation, the availability of the full 290 page Law Commission report on its website be noted.

5. LICENSING ACT 2003 - PERSONAL LICENCES

The Community Protection Manager introduced the report to inform Members of issues surrounding the renewal of Licensing Act personal licences in 2015.

Reference was made to the implementation of the Licensing Act 2003 which came into effect in 2005, where hundreds of applications had been received to transfer to the new arrangements. Applications to renew personal licences after ten years would need to be made to the Licensing Authority in which the applicant was ordinarily resident. As 460 applications had been received in Flintshire between April and August 2005, this was the expected number due for renewal in the Spring and Summer of 2015. The report indicated the potentially significant amount of work involved with this renewal process, which may require additional resources.

In response to a question from Councillor Hilary McGuill, it was explained that both a premises licence and a personal licence for the appointed Designated Premises Supervisor (DPS) were needed. Any establishments which had failed to renew their licences would be prohibited from selling alcohol but could re-apply at any time. If the existing DPS had not applied for a renewal to their personal licence, a different person could apply.

Following a comment from Councillor Rosetta Dolphin, the Chairman said that personal licence holders were able to work anywhere in the country.

RESOLVED:

That the significant additional workload arising from hundreds of personal licences due for renewal in 2015 be noted.

6. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 9.30 am and ended at 10.05 am)

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Chairman